

By Senator Sachs

34-00250-16

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1                                   A bill to be entitled  
2       An act relating to texting while driving in a school  
3       zone; amending s. 316.305, F.S.; revising penalties  
4       for violations of the Florida Ban on Texting While  
5       Driving Law; providing enhanced penalties for such  
6       violations when committed in a school zone or school  
7       crossing; providing a definition; providing an  
8       effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12       Section 1. Subsection (4) of section 316.305, Florida  
13       Statutes, is amended, and paragraph (a) of subsection (3) of  
14       that section is republished, to read:

15       316.305 Wireless communications devices; prohibition.—

16       (3) (a) A person may not operate a motor vehicle while  
17       manually typing or entering multiple letters, numbers, symbols,  
18       or other characters into a wireless communications device or  
19       while sending or reading data on such a device for the purpose  
20       of nonvoice interpersonal communication, including, but not  
21       limited to, communication methods known as texting, e-mailing,  
22       and instant messaging. As used in this section, the term  
23       “wireless communications device” means any handheld device used  
24       or capable of being used in a handheld manner, that is designed  
25       or intended to receive or transmit text or character-based  
26       messages, access or store data, or connect to the Internet or  
27       any communications service as defined in s. 812.15 and that  
28       allows text communications. For the purposes of this paragraph,  
29       a motor vehicle that is stationary is not being operated and is

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30 not subject to the prohibition in this paragraph.

31 (4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a  
32 noncriminal traffic infraction, punishable as a nonmoving  
33 violation as provided in chapter 318. For a violation occurring  
34 in a legally posted active school zone or designated school  
35 crossing, the amount of a fine prescribed for the violation  
36 shall be doubled.

37 (b) A ~~Any~~ person who commits a second or subsequent  
38 violation of paragraph (3) (a) within 5 years after the date of a  
39 prior conviction for a violation of paragraph (3) (a) commits a  
40 noncriminal traffic infraction, punishable as a moving violation  
41 as provided in chapter 318. Regardless of where the prior  
42 violation occurred, if a second or subsequent violation occurs  
43 in a legally posted active school zone or designated school  
44 crossing, the amount of a fine prescribed for the violation  
45 shall be doubled.

46 (c) For purposes of this subsection, the term "active  
47 school zone or designated school crossing" refers to the period  
48 of time during which the restrictive speed limit is in effect  
49 within the zone or crossing.

50 Section 2. This act shall take effect October 1, 2016.